

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

345 PROPERTY OWNER, LLC

Plaintiff,

v.

Case No. 18-CV-01476

Milwaukee County Small Claims Court
No. 2018SC029156

UNITED STATES POSTAL SERVICE,

Defendant.

NOTICE OF REMOVAL

To: The United States District Court for the Eastern District of Wisconsin

PLEASE TAKE NOTICE THAT pursuant to Title 28 U.S.C. §§ 1442, 1446(a), and 39 U.S.C. § 409(a) the defendant, the United States Postal Service, by and through its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Maura S. Flaherty and Susan M. Knepel, Assistant United States Attorneys for said district, respectfully files this Notice of Removal, and in support thereof, states as follows:

1. On August 21, 2018, the plaintiff, 345 Property Owner, LLC filed a summons and complaint in Small Claims Court in the Wisconsin Circuit Court for Milwaukee County, and said action was designated as Case No. 2018SC029156. Copies of the summons and complaint for that action are attached to this notice as Exhibit A.

2. On August 22, 2018, copies of the summons and the complaint were served on the Office of the United States Attorney for the Eastern District of Wisconsin.

3. On August 27, 2018, copies of the summons and the complaint were served on the Office of the Attorney General of the United States.

4. Accordingly, consistent with Section 1446(b) of Title 28 of the United States Code, this notice of removal is being filed within thirty days after receipt by the defendant of the initial pleading setting forth the claims upon which the action is based.

5. The complaint seeks the eviction of the United States Postal Service from property located at 345 West St. Paul Avenue, Milwaukee, Wisconsin. The complaint alleges that the United States Postal Service has leased this property since April 1, 1970, but that because of maintenance deficiencies, it has failed to comply with the terms of the lease. Plaintiff seeks a writ of eviction, an order for damages, and other relief.

6. “A civil action . . . that is commenced in a State court and that is against or directed to any of the following may be removed by them to the district court for the United States for the district and division embracing the place wherein it is pending:

(1) The United States or any agency thereof . . . for or relating to any act under color of such office”

28 U.S.C. § 1442(a)(1).

7. Additionally, Title 39, United States Code, Section 409(a) provides as follows:

Except as otherwise provided in this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

8. A copy of this Notice of Removal will be mailed to counsel for the plaintiff and copies of said notice will be filed with the Wisconsin Circuit Court for Milwaukee County pursuant to Section 1446(d) of Title 28 of the United States Code.

WHEREFORE, the above-captioned civil action is respectfully removed from the Wisconsin Circuit Court for Milwaukee to this Court.

Dated at Milwaukee, Wisconsin, this 21st day of September, 2018.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By: s/ Susan M. Knepel

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